



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,100	11/07/2001	Kenji Kaido	100809-00054(SCEY 19.115)	3012
26304	7590	09/15/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN S75 MADISON AVENUE NEW YORK, NY 10022-2585				ONEILL, MICHAEL W
ART UNIT		PAPER NUMBER		
		3713		

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT PAPER

09142004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attachment action of Notice of Non-responsive Amendment

DETAILED ACTION

Response to Amendment

The reply filed on 6-7-04 is not fully responsive to the prior Office Action because: the Applicant has failed to present claims directed to originally elected invention. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7-14-04 was filed after the mailing date of the first Office action on the merits on 9-10-03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

Art Unit: 3713

information disclosure statement will be considered by the examiner.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the Examiner is withdrawing the objection to the drawings given in the previous Office action. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The objection to the specification is withdrawn.

Response to Arguments

Applicant's arguments filed 6-7-04 have been fully considered but they are not persuasive. In sum, the Examiner is not permitting a shift of invention. If Applicant wishes to shift inventions and have the currently amended claims examined on the merits, then the Applicant needs to file a divisional application under 37 CFR 1.53(d).

A comparison of the claims is given below:

Art Unit: 3713

Claim 1. (Original)	Claim 1. (Currently Amended)
<p>An information processing method, comprising the steps of:</p> <p style="padding-left: 2em;">determining the presence of occurrence of an event satisfying specific condition the execution of predetermined information processing program; and</p> <p style="padding-left: 2em;">partially changing a passing rate of time in a virtual space structured by the information processing program when the event occurs.</p>	<p>An information processing method, comprising the steps of:</p> <p style="padding-left: 2em;">constructing a virtual-space including a viewpoint and a character object controlled by a predetermined operation terminal;</p> <p style="padding-left: 2em;">determining the presence of occurrence of an event satisfying a specific condition;</p> <p style="padding-left: 2em;">changing a passing rate of time of the character object in the virtual space, by changing a displacement of the character object among frames in a world coordinate system of the virtual space from the state in which the specific event does not occur when the event occurs; and</p> <p style="padding-left: 2em;">changing an object to be controlled by the operation terminal from the whole character object to a specific part of the character object, when the event occurs.</p>

As can be clearly seen from above the limitations of "constructing a virtual-space including a viewpoint and a character object controlled by a predetermined operation terminal" and "changing an object to be controlled by the operation terminal from the whole character object to a specific part of the character object, when the event occurs" limitations were not part of the originally filed claims nor are further

Art Unit: 3713

limiting to any limitation within the originally filed claims. Instead, these two limitations are different to what was originally presented for examination on the merits and would require a field of search different from the search given to the originally filed claims. Moreover, the addition of these two limitations places the claim invention in a different class and subclass, thus having a separate classification from the originally filed claims, and is recognized by those skilled in the art as separate subject matter to what was originally claimed.

On pages 7-9 of the remarks, the Applicant's argument compare the currently amended claims to the currently amended claims; instead of, comparing the currently amended claims to the originally filed claims. Then starting on page 9 the Applicant admits the addition of two new limitations and a "refinement" of two existing limitations. The Examiner agrees with the Applicant has added two new limitations and it these two new limitations that cause a shift of invention. With respect to the "refinement" of the two existing limitations the Examiner disagrees with the Applicant's position. As shown from the above table which compares the original claim 1 with the currently amended claim 1, there is more than a refinement of the two existing limitations. Instead of the prior art having

Art Unit: 3713

to meet the limitation of "partially changing a passing rate of time in a virtual space structured by the information processing program when the event occurs"; the prior art of record has to meet the limitation of "changing a passing rate of time **of the character object** in the virtual space, by changing a **displacement of the character object among frames in a world coordinate system of the virtual space from the state in which the specific event does not occur when the event occurs**"

Respectfully, this is more than a refinement of a limitation.

Multiple elements are now required to be in the prior art reference in order to meet the limitation: displacement change of an object; among frames; a world coordinate system; and when a particular conditional occurs. None of this was present or required in the originally filed claims. All that was required for the original claim limitation was for the prior art reference to disclose "partially changing a passing rate of time in a virtual space structured by the information processing program when the event occurs". What is now currently amended is not a narrower scope of what was originally claimed but a different scope of invention from what was originally claimed because now the prior art reference has to disclose: displacement change; among frames; in a world coordinate system; when a particular conditional occurs; instead of, changing the

Art Unit: 3713

passing rate of time with a program which is what was originally claimed.

Respectfully, the Examiner disagrees with the Applicant analysis using claims 5 and 2 as a basis for the use of "viewpoint" and "object", i.e. because these terms where used in the claims originally filed they cannot be consider introducing new elements into the claims. Respectfully, the Examiner objected not to the terms per se; but, to the context in their use which defined new limitations that were not present in the originally filed claims. The context that these terms were used in with respect to claims 5 and 2 is not the same nor similar to the context they are now being used in with respect to claim 1. For instance claim 5 viewpoint is used as an adjective to describe a noun: a movement speed: "**making a viewpoint moving speed** in the virtual space after the event occurs equal to a viewpoint moving speed in the virtual space before the event occurs". In currently amended claim 1 "viewpoint" is being used as a noun: "**constructing a virtual-space including a viewpoint and a character object**" Thus, although the same word is used it is used in a different context and has a different meaning associated with it. Therefore, as described in the previous Office action, this term is newly introduced.

Art Unit: 3713

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 703-308-3484. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 703-308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MON

MICHAEL O'NEILL
PRIMARY EXAMINER